To amend title 18, United States Code, to prevent bulk sales of ammunition, promote recordkeeping and reporting about ammunition, end ammunition straw purchasing, and require a background check before the transfer of ammunition by certain Federal firearms licensees to non-licensees.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2023

Ms. WARREN (for herself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prevent bulk sales of ammunition, promote recordkeeping and reporting about ammunition, end ammunition straw purchasing, and require a background check before the transfer of ammunition by certain Federal firearms licensees to non-licensees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ammunition Modernization and Monitoring Oversight Act” or the “AMMO Act”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. FEDERAL LICENSE REQUIRED TO DEAL IN AMMUNITION.

(a) IN GENERAL.—Section 922(a)(1)(B) of title 18, United States Code, is amended—

(1) by striking “or licensed manufacturer” and inserting “, licensed manufacturer, or licensed dealer”; and

(2) by striking “or manufacturing” and inserting “, manufacturing, or dealing in”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF DEALER.—Section 921(a)(11)(A) of title 18, United States Code, is amended by inserting “or ammunition” after “firearms”.

(2) LICENSE FEE.—Section 923(a)(3)(B) of title 18, United States Code, is amended by striking “who is not a dealer in destructive devices” and inserting “in firearms other than destructive devices or ammunition for firearms other than destructive devices”.

SEC. 3. AMMUNITION RECORDKEEPING REQUIREMENT FOR CERTAIN LICENSEES.

Section 923(g)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), in the first sentence, by inserting “or ammunition” after “firearms”;
(2) in subparagraph (B)(iii), by inserting “, or of ammunition,” after “firearms”; and

(3) in subparagraph (C)(ii), by inserting “, or of ammunition,” after “firearms”.

SEC. 4. PROHIBITION ON STRAW PURCHASE OF AMMUNITION.

Section 932 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting “or ammunition” after “firearm” each place it appears; and

(2) in subsection (c)(2), by inserting “or ammunition” after “firearm” each place it appears.

SEC. 5. RESTRICTION ON BULK AMMUNITION SALES.

(a) In General.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(aa) Restriction on Bulk Ammunition Sales.—

“(1) In General.—It shall be unlawful for any person licensed under this chapter to transfer to a person not so licensed—

“(A) during any 5-day period—

“(i) more than 100 rounds of .50 caliber ammunition; or
“(ii) more than 1,000 rounds of any other caliber of ammunition; or

“(B) any ammunition if—

“(i) the transferee has not provided to the transferor a written certification, signed by the transferee, attesting that the purchase of the ammunition would not result in the transferee having acquired, during the 5-day period ending on the date of the transfer—

“(I) more than 100 rounds of .50 caliber ammunition; or

“(II) more than 1,000 rounds of any other caliber of ammunition; or

“(ii) the transferor knows or has reason to believe that the transfer would result in the transferee having acquired, during the 5-day period ending on the date of the transfer—

“(I) more than 100 rounds of .50 caliber ammunition; or

“(II) more than 1,000 rounds of any other caliber of ammunition.

“(2) ADMINISTRATIVE REQUIREMENTS.—
“(A) IDENTIFICATION DOCUMENT; ATTORNEY GENERAL FORM.—It shall be unlawful for a person licensed under this chapter to transfer ammunition to a person not so licensed, unless the transferee—

“(i) has presented to the licensee a valid identification document (as defined in section 1028(d)) on which appears—

“(I) the name and address of the transferee;

“(II) a number unique to the transferee; and

“(III) the signature of the transferee; and

“(ii) has entered the name, address, and signature of the transferee on, and otherwise completed, such form as the Attorney General shall prescribe, which shall include—

“(I) the written certification described in paragraph (1)(B)(i); and

“(II) a statement of the penalties for violating this subsection.

“(B) FALSE STATEMENT OR IDENTIFICATION.—It shall be unlawful for any person in
connection with the purchase or attempted pur-
chase of ammunition to knowingly make any
false or fictitious oral or written statement or
to furnish or exhibit any false, fictitious, or
misrepresented identification, intended or likely
to deceive the seller with respect to any fact
material to the lawfulness of the sale of the am-
munition under this chapter.

“(C) Transmission of form to attor-
ney general.—

“(i) In general.—Not later than 30
days after the date on which a person li-
censed under this chapter transfers ammu-
nition in a transaction subject to para-
graph (1), the licensee shall transmit to
the Attorney General a paper or electronic
copy of the form completed by the trans-
feree pursuant to subparagraph (A) of this
paragraph.

“(ii) Determination of viola-
tion.—The Attorney General shall deter-
mine, on the basis of the forms trans-
mitted pursuant to clause (i) of this sub-
paragraph, whether a transfer of ammuni-
tion has been made in violation of para-
graph (1)(A).

“(iii) DESTRUCTION OF FORM.—Not
later than 60 days after receipt of a form
pursuant to clause (i), the Attorney Gen-
eral shall destroy the form unless the form
is needed in an ongoing bona fide criminal
investigation or prosecution.

“(D) RECORDKEEPING REQUIREMENT.—A
licensee who transfers ammunition in a trans-
action subject to paragraph (1) shall keep the
form referred to in subparagraph (C) of this
paragraph in paper or electronic form for not
fewer than 2 years.”.

(b) PENALTIES.—Section 924(a) of title 18, United
States Code, is amended by adding at the end the fol-
lowing:

“(9)(A) If a person licensed under this chapter know-
ingly violates paragraph (1) or (2)(A) of section 922(aa)—

“(i) in the case of the first violation, the person
shall be fined not less than $50,000 and not more
than $250,000;

“(ii) in the case of the second violation, the per-
son shall be prohibited from selling a firearm or am-
munition for 60 days; or
“(iii) in the case of the third violation, all licenses issued to the person under this chapter shall be revoked.

“(B) A person who knowingly violates section 922(aa)(2)(B) shall be—

“(i) fined not more than—

“(I) $20,000, in the case of the first violation; or

“(II) $50,000, in the case of any subsequent violation;

“(ii) imprisoned not more than 5 years; or

“(iii) both.

“(C) A person who knowingly violates subparagraph (C)(i) or (D) of section 922(aa)(2) shall be fined not more than $10,000.”.

(e) Signage Requirement.—

(1) In general.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

“(8) Each person licensed under this chapter shall post at the premises of the licensee subject to the license a sign on which there is set forth, in accordance with regulations prescribed by the Attorney General—

“(A) a summary of paragraphs (1) and (2)(B) of section 922(aa), and the penalties for making
false statements on a written certification made pursuant to section 922(aa)(1)(B)(i); and

“(B) a summary of the provisions of section 932 relating to ammunition, and the penalties for violating those provisions.”.

(2) PENALTY.—Section 924 of title 18, United States Code, is amended by adding at the end the following:

“(q) CIVIL PENALTY FOR FAILURE OF LICENSEE TO POST SIGN ABOUT RESTRICTIONS ON AMMUNITION SALES.—

“(1) IN GENERAL.—

“(A) CIVIL PENALTY.—With respect to each violation of section 923(g)(8) by a person licensed under this chapter, the Attorney General may, after notice and opportunity for hearing, subject the licensee to a civil penalty in an amount equal to $10,000.

“(B) REVIEW.—The imposition of a civil penalty under subparagraph (A) may be reviewed only as provided under section 923(f).

“(2) ADMINISTRATIVE REMEDIES.—The imposition of a civil penalty under paragraph (1) shall not preclude any administrative remedy that is otherwise available to the Attorney General.”.
SEC. 6. BACKGROUND CHECK REQUIRED BEFORE TRANSFER OF AMMUNITION BY CERTAIN FEDERAL FIREARMS LICENSEES TO NON-LICENSEEES.

(a) In General.—Section 922 of title 18, United States Code, is amended—

(1) by striking subsection (s) and redesignating subsection (t) as subsection (s);

(2) in subsection (s) (as so redesignated)—

(A) in paragraph (1)(B)(i), by inserting “indicating that the receipt of a firearm or ammunition by such other person would not violate subsection (g) or (n) of this section, or State, local, or Tribal law” before the semicolon;

(B) in paragraph (3)(C)(ii), by striking “(as defined in subsection (s)(8))”; and

(C) by adding at the end the following:

“(7) In this subsection, the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.”;

and

(3) by inserting after subsection (s) (as so redesignated) the following:

“(t)(1) A licensed importer, licensed manufacturer, or licensed dealer shall not transfer ammunition to another person not licensed under this chapter, unless—
“(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901);

“(B) the system provides the licensee with a unique identification number indicating—

“(i) that the receipt of a firearm or ammunition by such other person would not violate subsection (g) or (n) of this section, or State, local, or Tribal law; and

“(ii) if such other person has not attained 21 years of age, that a transfer of a firearm or ammunition to such other person would not violate subsection (d) of this section; and

“(C) the licensee has verified the identity of such other person by examining a valid identification document (as defined in section 1028(d) of this title) of such other person containing a photograph of such other person.

“(2) Paragraph (1) shall not apply to an ammunition transfer between a licensee and another person if—

“(A) such other person has presented to the licensee a permit that—
“(i) allows such other person to possess or acquire ammunition, or to possess or acquire a firearm; and

“(ii) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

“(B) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of ammunition by such other person would be in violation of law.

“(3) Paragraphs (2) and (4) through (7) of subsection (s) shall apply with respect to ammunition transfers pursuant to this subsection in the same manner in which such paragraphs apply with respect to firearm transfers.

“(4) It shall be unlawful for a licensed importer, licensed manufacturer, or licensed dealer to transfer possession of ammunition to another person not so licensed unless—

“(A) the licensee has provided such other person with a notice of the prohibition under paragraph (1); and

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“(B) such other person has certified that such
other person has been provided with the notice de-
scribed in subparagraph (A) on a form prescribed by
the Attorney General.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of title
18, United States Code, is amended, in the matter
preceding subparagraph (A), by striking “,
(g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
(g)(5)(B)”.

(2) SECTION 925A.—Section 925A of title 18,
United States Code, is amended by striking “sub-
section (s) or (t) of section 922” and inserting “sec-
tion 922(s)”.

(3) SECTION 925B.—Section 925B of title 18,
United States Code, is amended by striking “section
922(t)” each place it appears and inserting “section
922(s)”.

(4) BRADY HANDGUN VIOLENCE PREVENTION
ACT.—Section 103(l) of the Brady Handgun Vio-
ience Prevention Act (34 U.S.C. 40901(l)) is amend-
ed, in the matter preceding paragraph (1), by strik-
ing “(t)” and inserting “(s)”.

(5) CONSOLIDATED AND FURTHER CONTINUING
APPROPRIATIONS ACT, 2012.—Section 511 of title V
of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (34 U.S.C. 40901 note; Public Law 112–55) is amended by striking “subsection 922(t)” each place it appears and inserting “subsection (s) or (t) of section 922”.

(6) NICS IMPROVEMENT AMENDMENTS ACT OF 2007.—Section 103(f) of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40913(f)) is amended by striking “922(t)” and inserting “922(s)”.

(c) RULES OF CONSTRUCTION.—Nothing in this section, or any amendment made by this section, shall be construed to—

(1) authorize the establishment, directly or indirectly, of a national firearms or ammunition registry; or

(2) interfere with the authority of a State, under section 927 of title 18, United States Code, to enact a law on the same subject matter as this section.

(d) AUTHORIZATION OF INCREASED FUNDING FOR THE NICS SYSTEM.—In addition to any amount otherwise authorized to be appropriated for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act
(34 U.S.C. 40901), there are authorized to be appropriated not more than $150,000,000 for upgrading and maintaining the system.

SEC. 7. REPORTING REQUIREMENT.

Not later than 180 days after the effective date under section 8 and annually thereafter, the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall prepare, publish in the Federal Register, and otherwise make available to the public a report on the violations of subsection (aa) of section 922 of title 18, United States Code, as added by section 5, that occurred during the period covered by the report, and the information reported pursuant to paragraph (2)(C) of such subsection (including geographic data, total sales data, crime statistics, information on repeat offenders, or caliber types involved) during the period covered by the report, which shall include an identification of any trend in the violations or information that Federal, State, or local law enforcement agencies may find useful.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date that is 120 days after the date of enactment of this Act.